

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

BRIAN WHEELER,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Civil No. 2:15-CV-01604-RBL

ORDER

Based on the stipulation of the parties, IT IS HEREBY ORDERED:

The above-captioned case is AFFIRMED IN PART, REVERSED IN PART, AND REMANDED to the Commissioner of Social Security (Commissioner) pursuant to sentence four of 42 U.S.C. § 405(g), for a new hearing and a new decision.

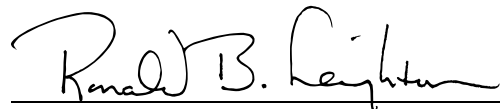
On remand, the Appeals Council will affirm the finding of disability for the closed period, September 9, 2010 through December 1, 2014, and vacate the decision only as to the period beginning December 2, 2014. For the period beginning December 2, 2014, the Appeals Council will instruct the ALJ to:

- (1) further develop the record and offer Plaintiff a new hearing
- (2) reassess and state the weight given the medical opinions, including the opinions provided by Cassandra Clark Ph.D., James Czysz, Psy.D., and Jim Basinski, M.D., and, if any are rejected, to provide legally sufficient reasons for doing so
- (3) evaluate Plaintiff's substance use using the guidance in Social Security Ruling (SSR) 13-2p
- (4) obtain evidence from a medical expert to clarify the nature and severity of Plaintiff's mental impairments, with and without the substance use
- (5) include a credibility assessment for this period, citing reasons consistent with SSR 96-7p and 20 C.F.R. § 416.929 for any allegations that are found not credible
- (6) redetermine Plaintiff's residual functional capacity
- (7) if needed, obtain new vocational expert testimony and make a new step seven finding.

Plaintiff will be entitled to reasonable attorney fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request to the Court.

JUDGMENT is entered for Plaintiff and the case is closed.

DATED this 18th day of February, 2016.



Ronald B. Leighton
United States District Judge

1 Presented by:

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